

Comment Letter 0069 Continued

Comment letter on CHSRS DEIR/S
8/31/2004
Page 7

hour for San Jose)⁸. The DPEIR/S does not provide the necessary ridership figures to do a direct comparison of these alternatives, but based on the Commission's analysis and such figures as are available, it appears that under this analysis an Altamont routing would actually have higher ridership than either Pacheco or Diablo Direct.⁹ The EIR/S needs to document the relative ridership for a Los Angeles to San Francisco phase one project using each of the three mountain passes into the Bay Area.

Even beyond the phase one project, there is no reason why an Altamont alternative could not have equal or greater ridership than a routing centered on San Jose. The DPEIR/S makes much of the difficulty of "train splitting". It argues that this makes it infeasible to satisfy San Francisco demand without virtually eliminating service to Oakland and San Jose. This is a fallacy.

To begin with, the DPEIR/S makes the artificial assumption that train service is limited to three trains per hour. There is no operational basis for this limitation. Given that European and Japanese high speed rail systems routinely run with trains with as little as four minutes headways (see Attachment A, timetable for HSR service between Paris and Lyon, France). The decision on how often to run trains should be based primarily on market demand, not the type of arbitrary limit used in the DPEIR/S.^{10,11} The differences in demand between destinations could be addressed by a combination of differing frequencies and differing trainset sizes. In the final analysis, however, destination splitting should not be an excuse to reduce projected ridership.

As for the question of "train splitting", one solution has already been identified – running separate trainsets to the three destinations. In addition, connecting service using direct cross-platform transfers can also provide supplementary service beyond that of HSR through service.¹²

However, even if an actual split in the trainset was desired, this is far from infeasible, and would not be the insurmountable obstacle claimed by the DPEIR/S. The European HSR systems routinely split trains to differing destinations. As shown in Attachment B, two trainsets can travel in tandem, with a split occurring at a station stop.

⁸ If San Jose was served by a spur line, obviously all trains would access both San Francisco and San Jose.

⁹ Earlier ridership studies were done by Charles River Associates, and are referenced in the DPEIR/S. However, these ridership studies were themselves flawed by faulty assumptions, and were based on census data that is now outdated and inaccurate. (For example, much of the census data is from the 1990 census (updated through 1997) and fails to include the significant amount of additional growth in the Dublin-Pleasanton-Livermore-San Ramon and Tracy-Stockton-Modesto areas since then.)

¹⁰ The Charles River Associates ridership & revenue projections (2000) asserts that the Altamont pass is limited to handling four trains per hour. However, neither it nor the DPEIR/S provides any explanation or documentation to support this assertion. The EIR/S needs to explain why Altamont would be so limited, whether a similar limitation would apply to other mountain crossings, and whether there are any ways of surmounting this limitation. At any rate, even with four trains per hour, these could be allocated to give the majority of service to San Francisco (e.g., five trains per two hours to S.F., two trains per two hours to San Jose, and one train per two hours to Oakland – with additional connecting service through BART at Union City). As discussed below, train splitting would eliminate even this minor constraint.

¹¹ While running more trains would increase capital and labor costs, as long as those trains ran reasonably full, those costs would presumably be covered by farebox revenue.

¹² For example, even before an Oakland HSR extension is implemented, shuttle service (e.g., via BART limited service trains with addition of passing tracks) could be provided between Oakland and Union City, connecting to San Francisco and San Jose through trains. Once the Oakland HSR extension was implemented, it could also be used to provide high speed local shuttle service with cross-platform transfers. This kind of connecting service is commonly used in the European and Japanese HSR systems (e.g., HSR service between Milan, Italy and Lucerne and Zurich, Switzerland).

Comment letter on CHSRS DEIR/S
8/31/2004
Page 8

The split takes only five to eight minutes to accomplish¹³. Therefore there would be little or no loss of time in train splitting. Nor would there be inefficiencies in use of rolling stock, because the number of cars allocated to any given destination could be suited to fit the expected ridership. In short, train splitting is not a basis for finding an Altamont alignment infeasible.

The third claimed basis for finding the Altamont alternative infeasible is the asserted cost and environmental impacts of a new Bay crossing at or near the existing Dumbarton rail bridge. Of course, because the alternative was dismissed, neither the costs nor impacts were ever explored in detail. Review of the data supporting the DPEIR/S' claims shows that these claims too are not supported by substantial evidence.

The DPEIR/S bases its cost analysis for a new bridge (Appendix 2-J to DPEIR/S) on MTC's Kolve/Parsons-Brinkerhoff analysis for a new Bay rail crossing. Of course, that crossing differed from the proposed crossing in several respects, including a different location with different characteristics. Further, the DPEIR/S includes several fairly arbitrary costs, e.g., a 15-20% "High Speed Factor" to have the bridge support speeds of 120 mph, as opposed to 80 mph in the MTC study¹⁴, and an additional 25% "contingency" factor. Neither cost estimate is supported by any substantial evidence.

In addition, the DPEIR/S suggests that the costs for mitigating impacts on Bay wetlands, based on proposed mitigation costs for a new runway at the San Francisco International Airport, would run upwards of \$1 billion. However, no final EIR for the Airport expansion project issued. Therefore the estimated figures for wetlands mitigation taken from that project need to be taken with a very large grain of salt and certainly cannot be considered substantial evidence justifying eliminating Altamont from consideration.¹⁵

Further, the DPEIR/S also makes several unwarranted assumptions about a Bay crossing for the HSR Altamont alternative. The DPEIR/S assumes that a swing bridge, such as the current Dumbarton rail span, is fundamentally unworkable for use with HSR trains. This is incorrect. It is certainly true that, in its current state, the Dumbarton rail span could not be used for HSR. However, upgrading of the current Dumbarton rail bridge has already been approved and funded for use with the Caltrain system. While the upgraded span might not be optimal for use with HSR trainsets, European rail systems routinely run HSR trainsets over swing bridges¹⁶. The use of catenary electrical power for HSR may complicate use of a swing bridge, compared to a fixed span bridge, but that obstacle is far from insuperable, given modern engineering

¹³ Eurostar trainsets operating through the English Channel tunnel can be separated from inside the train, using automatic couplers, in less than two minutes. (See Attachment C) While this is intended as an emergency safety feature, rather than a routine operational mechanism, it demonstrates the speed with which modern decoupling can be accomplished. Japanese trainsets can be coupled/decoupled at a similar speed, as documented in the April 2004 report submitted by the JRTS to the CHSRA.

¹⁴ While HSR does require greater rigidity than conventional rail, resulting in increased construction costs, this is at least partially offset by the much lighter weight of HSR car, compared to conventional rail. The difference in momentum, a primary factor in designing the bridge, could be minimal. At any rate, the 15-20% cost increase used in the DPEIR/S cannot be supported without further analysis.

¹⁵ See comments of Mark Ketchum of OPAC Consulting Engineers, Inc., an engineer with extensive experience in designing and building bridges. The comments, and Mr. Ketchum's resume, are attached as Attachment D and incorporated herein by this reference.

¹⁶ For example, on the _____ route through the Netherlands and the _____ bridge in Sweden. See Attachment E, incorporated herein by this reference.

0069-4
cont

0069-4
cont

Comment Letter 0069 Continued

Comment letter on CHSRS DEIR/S
8/31/2004
Page 9

technology¹⁷. It may also be true that HSR trainsets could not traverse a swing bridge at the top speeds used by HSR. A lower speed, like that of conventional rail trains, might be necessary to avoid a safety hazard at the swing junctions. However, this does not make such use infeasible. The total distance of the Dumbarton Bridge would be roughly five miles. Five miles at 60 mph would take roughly five minutes, as opposed to 2½ minutes at 120 mph. The net time loss in this example would be 2½ minutes. This is not enough of a time differential over the entire San Francisco – Los Angeles run to declare an option infeasible, especially given Altamont's other benefits.

In the long run, of course, it would certainly be preferable to run across a bridge designed for optimal HSR operations. Even with this assumption, however, other options remain for a HSR Bay crossing that were never investigated. For example, the alignment of the existing bridge could be used for a new bridge, either using the existing bridge footings or placing new footings. The new higher fixed span could be run in the airspace above the existing span. This would require little or no additional bayfill.¹⁸ Once the new fixed-span bridge was finished, the swing span would be removed and both HSR and conventional commuter rail trains would use the new improved span. This would not only allow HSR transbay service at far lower cost than assumed in the DPEIR/S, but would have the added benefit of improving conventional rail transbay service. This option should have been studied in the EIR/S. Even if a new alignment were to be used, the DPEIR/S failed to consider the extent to which choice of an optimal alignment could reduce the wetlands and wildlife impacts of a new span, thereby reducing the need for mitigation. Again, this would reduce potential mitigation costs. The DPEIR/S failed to consider any of these options.¹⁹

Nor does the DPEIR/S explain why the Altamont alternative is rendered infeasible by the need for a new Bay crossing, when the Mulford alignment (DPEIR/S Chap. 6.2.1(b)), running from San Jose to Oakland through the same bayside wetlands of the Don Edwards Wildlife Refuge, is nevertheless considered feasible. Indeed, the Mulford alignment would, if anything, affect more wetland acreage with greater impacts.

Lacking adequate objective evidence to support finding the Altamont alternative infeasible, the DPEIR/S apparently succumbed to an irrational (and perhaps politically motivated) prejudice favoring a routing through San Jose. More and better evidence would be needed to support a finding that a Dumbarton rail crossing in particular and the Altamont alternative in general are not feasible and worthy of detailed study in the EIR/S. Further, if such evidence is provided in response to these and other comments, the EIR/S will need to be recirculated so that the public can fully review and comment on the new evidence.

¹⁷ Indeed, it has been accomplished at many points along Amtrak's Northeast Corridor, let alone on many bridges throughout the rest of the world.

¹⁸ In addition, portions of the existing rail bridge could potentially be used as a staging area for work on the new bridge (as, for example, was done for the recent lane additions for the San Mateo Bridge), thereby further reducing the net cost for the new bridge and reducing potential construction impacts on Bay and wetlands areas.

¹⁹ The complete record for this Project would show that experts in Bay ecology, wildlife, and wetlands met with Authority staff and members, presented evidence that contradicted the DPEIR/S \$1b mitigation cost estimate, and suggested that reconstruction of the existing Dumbarton rail corridor for high speed rail could improve the ecology of the South Bay. This evidence should have been included, or at least summarized, in the EIR/S.

0069-4
cont

Comment letter on CHSRS DEIR/S
8/31/2004
Page 10

FAILURE TO ANALYZE FEASIBLE CENTRAL VALLEY ROUTING ALTERNATIVES

The DEIR/S failed to analyze many feasible Central Valley routing alternatives that would have lower costs and fewer negative impacts than the alternatives carried forward in the report. Most importantly, the DEIR/S failed to analyze the specific alignment preferred by the California Intercity High Speed Rail Commission, parallel to and several miles west of SR-99.

The Commission, predecessor of the California High Speed Rail Authority, in its final report to the Governor and legislature stated, "The Commission intends that the system recommended in the Summary Report and Action Plan, act as a blueprint for high speed rail service in California." This finding was reinforced by Senate Bill 1420, Statutes of 1996 which directed the Authority to develop a system "consistent with and continuing the work of the Intercity High-Speed Rail Commission."

The Authority removed this preferred alignment from the DEIR/S without a reasonable explanation.

The Train Riders Association of California has repeatedly, for the past four years, asked the Authority to include this alternative in the DEIR/S. TRAC has testified before the Authority and has supplied written comments outlining this major flaw in the DEIR/S.

Under CEQA and NEPA an EIR/S must analyze a reasonable range of alternatives to the project or the location of the project that would feasibly obtain most of the basic objectives while avoiding impacts. We cannot find an example of another California project where the preferred alternative was eliminated before the EIR/S.

The Central Valley route recommended by the California Intercity High Speed Rail Commission is far superior to the two routes studied in this DEIR/S. In fact, the California Intercity High Speed Commission REJECTED these two options because they had more costs, environmental impacts and public disruption than their preferred alternative.

The Commission's final report dated December 1996 states the advantages of a new alignment in Section 8, page 10:

Use of existing rail alignments versus a new alignment has significant engineering and cost ramifications. New high-speed tracks or guideways must essentially be constructed from scratch in the existing alignments. Existing freight tracks typically require relocation within the shared right-of-way with crash barriers installed to separate from freight trains. These additional costs associated with existing rail alignments more than outweigh the cost of right-of-way acquisition in the Central Valley for a new alignment.

Both the UP and BNSF alignments pass through urban areas in the Central Valley requiring numerous grade separations and aerial segments to accommodate high speed service. In contrast, the new alignment would typically bypass the more densely populated areas, reducing the need for grade separations and elevated sections thus reducing environmental impacts.

In the Executive Summary of the Commission's report on Page 7, it summarizes the issue:

Three potential alignments within the SR-99 Corridor include two existing railroad corridors and one new corridor. While the new alignment has been identified as the most promising route, the new alignment would also be the least costly.

In Section 3, page 30, it quantifies the advantages:

0069-5

Comment Letter 0069 Continued

Comment letter on CHSRS DEIR/S
8/31/2004
Page 11

CENTRAL VALLEY- A new alignment is the least costly option through the Central Valley, due to extensive at-grade running and minimal land use constraints. The BNSF and UP Corridors cost approximately \$1 billion and \$3 billion more than a new corridor.

In Section 8, page 7, it reiterates the disadvantages of BNSF and UPRR routes:

Engineering issues and environmental impacts related to the Central Valley alignment options stem largely from their relative proximity to urban areas. Construction cost and environmental impacts are significantly higher in urban areas since existing streets and roadways require more grade separations and aerial segments.

Subsequent work by the High Speed Rail Authority also demonstrated that a West of SR-99 Route would be less expensive and would have less severe impacts upon agricultural land than the UPRR route. The UPRR alignment was estimated in 1999 to cost over \$3 billion more than the West of SR-99 alternative.

It appears that the EIR/S is flawed because it does not contain this West of SR-99 corridor which both the Commission and the Authority found was substantially less expensive than the UPRR alignment.

There appears to be no benefit of using the UPRR alignment that justifies the added \$3 billion. The DPEIR/S' rationale for eliminating a West of SR-99 option appears to be encapsulated solely in Tables 2-H-10 and 2-H-9, addressing the Modesto to Merced and Modesto Station alignment/location. In those tables, the reasons given for eliminating a West of SR-99 option are first, that it would remove too much important farmland, or make it inaccessible ("severance" impacts), and second that it would not have sufficient intermodal connections and, concomitantly, would have too small a ridership catchment area. Neither of these reasons holds up to scrutiny, especially if potential mitigation measures are considered.

While it may be true that the West of SR-99 alignment would involve current farmland, as opposed to land already dedicated to rail use, the total acreage involved would not be large. Further, any loss of farmlands impacts could easily be mitigated by purchasing farming-protective easements on current farmlands, particularly those surrounding Central Valley cities along the HSR route, which would be most at risk for conversion to non-farming uses due to the growth-inducing impacts of the Project.

As for severance impacts, connectivity between fields on the west and east of the new right of way could easily be maintained by frequent undercrossings. This would be a simple, cheap, and effective way to mitigate any potential loss of farmland connectivity impacts – far cheaper than the cost of converting existing grade crossings along the proposed current Project ROW.

As for the modal connectivity and ridership catchment area, the DPEIR/S appears to assume that the stations along the West of SR-99 alternative would also be five miles west of the cities involved. This is not necessarily the case, as the Commission's plan included a center city station on a high speed branch in Fresno. In addition, TRAC has developed a detailed plan to have trains stopping at Central Valley cities shunted off the main line to reach central city stations.²⁰ The shunts would operate as conventional rail lines at conventional rail speeds, thereby greatly reducing the noise and other impacts involved. Further, because these trains would access the Bay Area and Los Angeles at high speeds, and only run at conventional speeds on the shunts in the middle of the network, average speeds between smaller Central Valley cities and the Bay Area or Los Angeles would still be over 100 mph in all cases,

²⁰ Details of the TRAC plan are provided in Attachment F.

Comment letter on CHSRS DEIR/S
8/31/2004
Page 12

sufficient to capture a large share of this intercity traffic²¹. In addition, trains not stopping at a city (e.g., L.A. – S.F. express trains) could proceed straight through along the main line without having to take a longer bypass route or slow down at all. Since the West of SR-99 alignment would use the same stations as the proposed Project, there would be no difference in intermodal connections or ridership catchment area.²²

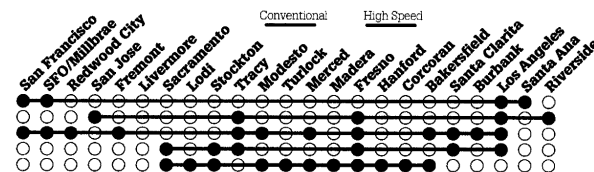
The feasible and cost-effective West of SR-99 alternative preferred by the Commission was rejected without any sound engineering reason or evidence. As noted above, the Authority's reasons for eliminating this alternative are not justifiable. We ask that the entire Bakersfield-Sacramento analysis be restudied, in a manner that is "consistent with and continuing the work of the Intercity High-Speed Rail Commission," and that the revised DPEIR/S be recirculated to the public.

FAILURE TO STUDY ALTERNATIVES THAT WOULD PROVIDE SERVICE TO SOME AREAS VIA CONVENTIONAL RAIL LINES

In the Los Angeles area and the Bay Area, the Authority plans to share rights of way with Metrolink and Caltrain, so as to avoid the costs of building separate infrastructure. A primary reason cited by the Authority for its preference for the UPRR corridor was that it would keep high-speed rail stations in the city centers. There are two possible alternatives that could keep stations in the city center without having to use the UPRR corridor for its entire distance, saving billions of dollars.

The first would be to use a West of SR-99 alternative with the existing Amtrak service connecting to high-speed rail at transfer stations in Fresno, Bakersfield and Stanislaus County. The second would be to use equipment optimized to operate at high speeds on sections accessing the Bay Area or Los Angeles, but run along the BNSF mainline through the Central Valley. High-speed rail cannot live in a vacuum, and ignore the hundreds of millions of dollars Caltrans has invested in San Joaquin tracks. Unfortunately, CHSRA has never articulated a vision as to how conventional San Joaquin trains (or other conventional rail trains) would connect with high speed rail.

The dot chart below shows one plausible way of integrating five north-south routes to provide high-speed travel between Los Angeles, the Bay Area, and Sacramento, without neglecting or damaging Central Valley cities along the way.²³



²¹ This is particularly true because these smaller cities have little or no scheduled airline service.

²² Alternatively, the HSR trains could stop at a transfer station along the main line, connecting there with express shuttle service in and out of the central city station.

²³ Attachment G (incorporated herein by this reference), provides a fuller description of such an integrated HSR/conventional rail system to serve the Central Valley. This, or other similar integrated rail alternative, should be included and discussed in the EIR/S.

Comment Letter 0069 Continued

Comment letter on CHSRS DEIR/S
8/31/2004
Page 13

San Joaquin (and other) conventional service will continue to play a major role in feeding passengers to the high speed rail system. We show this happening in two different ways: conventional trains meet HSR trains at common stations in major Valley cities, and HSR equipment itself runs on sections of the San Joaquin line. The final shape of the solution depends on a 'meeting of the minds' between the Federal Railroad Administration and equipment manufacturers over crashworthiness standards.

In either scenario, conventional rail will be brought up to FRA Class VII standards, allowing 125 mph operation. With 125 mph top speeds, and a Fresno midpoint hub, access times from San Joaquin stations to the nearest high speed transfer station would be a matter of minutes²⁴.

The DEIR/S omits any discussion of coordination or connection with conventional rail in the Central Valley and elsewhere in the HSR system and is clearly inadequate. It should be redrafted to address this insufficiency and recirculated for public comment.

FAILURE TO ADDRESS NEGATIVE ENVIRONMENTAL IMPACTS UPON FARMLAND PRESERVATION

The December 1999 Corridor Evaluation, on p. III-25 indicated a West of SR-99 route would require 180 acres of farmland, 57% of which is considered prime farmland. Yet a UPRR alignment (along SR-99) would require 250 acres of farmland, 71% prime. Dropping the West of SR-99 corridor appears to be contrary to the goal of farmland preservation.

The EIR/EIS fails to properly acknowledge on Page 3.8.1 the relative importance of prime farmland and therefore fails to convey that an alternative that takes prime farmland would be more disruptive than one that doesn't. For example, on Page 3.8.7, under "Fresno to Bakersfield" the EIR/EIS notes that the "HST alignments along the existing UPRR corridor would travel through roughly the same amount of farmland as those along the BNSF corridor." This seems to be an attempt to evade the issue that the UPRR corridor runs through prime farmland and the BNSF runs primarily through land of lesser importance, much of which is lying fallow.

This is followed by Figure 3.8-9B which makes the outrageous misrepresentation that the UPRR is the route between Fresno and Bakersfield with the least potential impacts upon farmland, while the BNSF is the route with the greatest potential impacts. The false finding in this figure is not supported by the facts, the text, nor the tabular data presented in this section.

Additionally, the EIR/S fails to formulate alternative routings that are calculated to minimize the impacts upon prime farmlands. The EIR/S also lacks any serious consideration of mitigation measures for agricultural impacts, such as farmland trusts, agricultural preserves, urban limit lines, prohibition of stations along high-speed sections of the line in perpetuity, or mitigation of parcel splits by swapping land on either side of the ROW with adjoining farms.

²⁴ Indeed, the Authority's own business plan prominently features the connectivity of the proposed HSR system with conventional passenger rail.

Comment letter on CHSRS DEIR/S
8/31/2004
Page 14

FAILURE TO ADDRESS NEGATIVE ENVIRONMENTAL IMPACTS FROM HIGH SPEED RAIL CONSTRUCTION USING UPRR CORRIDOR

Construction of a high speed railway through Sacramento, Elk Grove, Galt, Manteca, Ripon, Salda, Modesto, Turlock, Delhi, Livingston, Atwater, Merced, Chowchilla, Madera, Fresno, Fowler, Selma, Kingsburg, Goshen, Tulare, Pixley, Earlimart, Delano, McFarland and Bakersfield will have significant negative environmental impacts which are not quantified or studied by the DEIR/S. Division of neighborhoods with surface rail alignments, construction impacts of the project, and long-term negative socio-economic effects would be similar to that caused by California freeways in the 1960's, but are not discussed, quantified, or meaningfully analyzed anywhere in the DPEIR/S.

Putting an HSR alignment along the UPRR corridor is likely to increase the pressure to bring SR-99 to full interstate status, because of the number of interchanges which would have to be created or rebuilt for the HSR project. This upgrade of highway facilities is likely to accelerate sprawl, as is the destruction of inner city neighborhoods by elevated railway structures.

While it may be too early at the programmatic level to discuss detailed construction impacts, because detailed routings and station locations have not yet been determined, it is not too early to conduct a generalized analysis, based on the approximate routing and the amount and types of land uses that would be affected by building new rail lines. Indeed, such an analysis is particularly important at the programmatic level where, as here, decisions will be made that will dramatically change the types and amounts of expected impacts, depending on which of the various alignment alternatives is chosen.

The coverage of this subject in the DPEIR/S is clearly inadequate and must be remedied by a thorough study and recirculation of the DPEIR/S for public comment.

FAILURE TO ADDRESS NEGATIVE ENVIRONMENTAL IMPACTS FROM CENTER CITY OPERATION

A primary reason cited by the Authority for dropping the West of SR-99 corridor was that it would put high-speed rail stations outside of city centers.

The UPRR alignment runs through the city centers, allowing (obviously) city-center stations, but the tradeoff is higher cost (at least \$3 billion) and increased travel times (15 minutes more than west of 99), assuming reduced speed operations in the city-centers, and a longer route (6 miles).

To remedy these shortcomings, the DPEIR/S assumes high speed bypasses of the larger city-centers along the UPRR. However, the bypasses in Bakersfield, Fresno, and Merced may not be built until a later stage of development, and depend upon a profitable system providing revenues for their construction.²⁵ The bypasses are, for all intents and purposes, irrelevant to the project that is proposed to be constructed.

In the guise of saving central city stations, the project proposed and analyzed in the DPEIR/S would instead cause severe damage to many of the cities served. Figure 3.4-2 indicates that all Central Valley cities on the Sacramento-Bakersfield Corridor

²⁵ The HSRA business plan acknowledges that the system may have to be built in stages, with the most profitable portions being built first. (Business Plan, Page 15.) Either the bypasses would have to be built first, forfeiting service to the bypassed cities, or as a second phase after the main line is constructed.

Comment Letter 0069 Continued

Comment letter on CHSRS DEIR/S
8/31/2004
Page 15

except Stockton would have speeds between 186 mph and 217 mph. Full speed operation along the UPRR would have significant negative noise impacts upon Sacramento, Elk Grove, Galt, Manteca, Ripon, Salida, Modesto, Turlock, Delhi, Livingston, Atwater, Merced, Chowchilla, Madera, Fresno, Fowler, Selma, Kingsburg, Goshen, Tulare, Pixley, Earlimart, Delano, McFarland and Bakersfield. The communities affected by the noise impacts of trains running up to 217 mph are not named by the DEIR/S.

On Page 3.4-11, the DEIR/S compares noise produced by high-speed trains running at less than 150 miles per hour with other modes, but nowhere describes or makes a direct comparison of dBA with trains running at 217 miles per hour. In Figure 3.4-7, where it compares 200 mph high speed trains, it compares them 100 feet away with motor vehicles 50 feet away, clearly a misleading comparison. The discussion of the Sacramento to Bakersfield Corridor's noise impacts on Page 3.4-11 is clearly inadequate and fails to disclose the specific dBA of noise impacts on the 25 communities listed above. Instead, the DEIR/S falsely claims on Tables 3.4-D.1 that the no-project alternative and the modal alternative both have worse noise impacts than high speed rail on the Sacramento-Bakersfield corridor. This breach of faith with the residents of the Central Valley should be reason by itself for the DEIR/S to be revised and recirculated to the public.

INADEQUATE AND BIASED MODAL ANALYSIS

The DPEIR/S's analysis of alternative modes is flawed in that the other modal alternatives, specifically highway construction and air travel, are not designed to accurately reflect optimal feasible future improvements in these two travel modes.

To begin with, none of the alternatives for intra-regional travel are taken into account, despite the fact that intra-regional travel amounts to a significant portion, and in some cases a majority, of modal travel (e.g., highway traffic along all highways in/out of San Francisco and Los Angeles, commuter rail ridership between Los Angeles and Palmdale and along the San Francisco Peninsula between San Francisco and San Jose). Further, the analysis fails to account for induced demand (or, as identified in Appendix 2-F, "latent demand") and its effects on traffic or ridership. Further, the highway alternative analysis is inaccurate and biased in assuming that auto traffic would follow the same corridor proposed for the Project (i.e., San Francisco – San Jose – Gilroy – Merced). This ignores the reality that the vast majority of current San Francisco to Los Angeles (and San Francisco to Central Valley) traffic follows I-80 across the Bay Bridge, then either continuing along I-80 towards Sacramento or taking I-580 to reach I-5 south of Tracy²⁶. These routes are both shorter and better suited to long-distance driving (e.g., entirely multiple-lane limited-access highways) than the proposed US 101/ SR 152 alternative proposed in the DPEIR/S. Likewise, highway traffic going from San Francisco to Los Angeles would obviously use I-5 south from I-580 through the "grapevine" rather than veering east along SR 99 through Bakersfield and then further east through Palmdale. In short, the DPEIR/S has proposed an unrealistic "straw man" highway alternative that does not accurately depict the capacity of the highway system to carry San Francisco-Los Angeles or Sacramento to Los Angeles Traffic²⁷.

²⁶ Alternatively, traffic to/from south of San Francisco travels across the Bay on SR 92, and uses I-238 to reach I-580 and I-5.

²⁷ While the proposed highway alternative may be somewhat more accurate in its depiction of traffic from San Jose to Los Angeles and between Central Valley cities along Highway 99, this is not the primary purpose of the Project.

Comment letter on CHSRS DEIR/S
8/31/2004
Page 16

At an even more fundamental level, the modal alternative is flawed by the failure to consider any expansion of conventional rail service. This is particularly galling from an agency supposedly devoted to improving rail service in California.

While there are currently several systems providing conventional rail service in California (e.g., Caltrain, Metrolink, Amtrak California), the DPEIR/S doesn't consider or discuss the potential for expanding conventional rail service as part of the modal alternative.²⁸ Yet, expanding conventional rail service could be one of the most efficient and cost effective means of improving intercity travel in California, especially over relatively short distances, while also having some of the lowest potential impacts. Indeed, the proposed HSR system might actually work against the expansion or even maintenance of existing conventional rail service, especially in areas where the two will overlap. In particular, the proposed HSR service along the San Francisco Peninsula over the Caltrain right of way would clearly compete for San Francisco/San Jose local traffic with the recently initiated "baby bullet" Caltrain service.

The modal alternative needs to be revised to include expansion of conventional rail service. In addition, the EIR needs to discuss impacts of the proposed HSR system on existing and proposed conventional rail passenger operations, including specifically effects on ridership/revenue and secondary impacts (e.g., curtailment of rail service) caused by reduction in ridership/revenue for conventional rail services.

INADEQUATE ANALYSIS OF BIOLOGICAL IMPACTS, INCLUDING IMPACTS ON WETLANDS, HABITAT, AND SECTION 4(f) IMPACTS

The DPEIR/S attempts to provide a general program-level analysis of biological impacts. However, the analysis provided is deficient and fails to adequately inform the public about the project's potentially wide-ranging biological impacts. While more detailed analysis will obviously need to be done at the project level, the DPEIR/S is deficient in its refusal to acknowledge what will clearly be significant impacts, particularly in regard to federally and state-listed species, wetlands, wildlife habitat, and its connectivity. Further, the DPEIR/S' discussion of mitigation measures to reduce the significance of biological impacts is inadequate for failing to commit the Project to any level of mitigation. Instead, the DPEIR/S improperly puts off consideration of mitigation to the project level. The DPEIR/S is also deficient in failing to provide sufficient information for responsible federal agencies, notably the U.S. Army Corps of Engineers, the U.S. Fish & Wildlife Service, and the U.S. Environmental Protection Agency, to conduct the analyses required under Section 404 of the Clean Water Act, and particularly fails to provide sufficient information for these agencies to identify the least environmentally damaging practicable alternative, as required by federal law.

Likewise, the DPEIR/S is deficient in its analysis of impacts under Section 4(f) of the DOT Act of 1966 in failing to discuss all prudent and feasible alternatives that might avoid the use of parklands. In particular, the DPEIR/S is deficient for failing to fully consider and discuss the potential of the Altamont alternative to avoid impacts to Henry Coe State Park and the Grasslands Ecological Area, a highly significant wildlife/wetlands area that includes federal wildlife refuges, a state park, state wildlife management areas and the largest block of privately managed wetlands in the state.

Rather than repeat the analyses provided by others, TRAC/CRF refers the CHSRA to the comment letters submitted by the California Department of Parks and

²⁸ See: <http://www.dot.ca.gov/hq/rail/amtrak20yrplan/SUMMARY.PDF> for the 20-year investment plan for Amtrak services in California.